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Attorney Docket No. 28853

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan DRIZEN et al.

Examiner: M. Haghigian

Serial No.: 09/986,183

Group Art Unit: 1616

Filed: November 7, 2001

For: TOPICAL DRUG PREPARATIONS

RESPONSE AND AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated November 5, 2002. The three (3)-month shortened statutory period for response expires February 5, 2003. Therefore, this response is timely filed within the time period set by the Examiner.

IN THE CLAIMS

✓
Please cancel claims 45-56 without prejudice to or disclaimer of the subject matter contained therein.

1. Rejection of claims 57-71 under Obviousness-type Double Patenting

Claims 57-71 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,120,804 in view of U.S. Patent No.